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ACTION AF-01

INFO LOG-00 AMAD-01 CIAE-00 C-01 DODE-00 EUR-01 HA-09  
H-01 INRE-00 INR-01 L-03 ADS-00 NEA-01 NSAE-00  
NSCE-00 OMB-01 PA-01 PM-01 PRS-01 P-01 SNP-01  
SP-01 SSO-00 SS-01 TRSE-00 T-01 USIE-00 /028W  
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O 161359Z SEP 92  
FM AMEMBASSY DAR ES SALAAM  
TO SECSTATE WASHDC IMMEDIATE 8861  
INFO AMEMBASSY KIGALI IMMEDIATE  
AMEMBASSY ADDIS ABABA PRIORITY  
AMEMBASSY BAMAKO PRIORITY  
AMEMBASSY BONN PRIORITY  
AMEMBASSY BRUSSELS PRIORITY  
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AMEMBASSY TUNIS PRIORITY  
AMEMBASSY YAOUNDE PRIORITY  
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C O N F I D E N T I A L SECTION 01 OF 03 DAR ES SALAAM 05355

BONN FOR KLEMP, BRUSSELS FOR DUBROW, LONDON FOR  
MCKINLEY, PARIS FOR PERLOW

STATE FOR AF/RA, AF/E, AF/C, AF/S

E.O. 12356: DECL:OADR  
TAGS: PREL, PGOV, OAU, RW, TZ  
SUBJECT: ARUSHA III: AT LOGGERHEADS BUT STILLTALKING

REF: DAR ES SALAAM 5305 AND PREVIOUS

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: ARCHIE M BOLSTER  
DATE/CASE ID: 04 NOV 2011 201005065

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1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY. ON SEPTEMBER 15, THE TWO SIDES PROVIDED A LITTLE ELABORATION OF THEIR PREVIOUS PROPOSALS, BUT THERE WAS NO REAL PROGRESS. THE DISCUSSIONS DEADLOCKED ON THE ISSUES OF PRESIDENTIAL POWERS, WHO SHOULD WIELD THEM, AND HOW SHOULD THEY BE CONTROLLED. THE ATMOSPHERE AT THE PLENARY WAS SOURED BY THE UNHELPFUL INTERVENTIONS OF TANZANIAN FONMIN DIRIA, AND IT CONCLUDED WITH AN ANGRY EXCHANGE BETWEEN DIRIA AND RPF LEADER BIZIMUNGU. BUT THE MORNING PLENARY OF SEPTEMBER 16 SAW THE TWO SIDES IDENTIFY, IN A BUSINESSLIKE WAY, THE AREAS IN WHICH THEY AGREED, AS WELL AS SOME OF THE AREAS IN WHICH THEY DID NOT, AND SOME OF THEIR COMMON CONCERNs. WE ATTRIBUTE THIS SUDDEN BURST OF REASONABLENESS TO SOME HEAVY LOBBYING BY THE OBSERVERS. END SUMMARY.

3. DISCUSSION ON SEPTEMBER 15 FOCUSED ENTIRELY ON THE  
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PRESIDENCY AND ITS POWERS. THE RPF DELEGATION REQUESTED THAT THE PLENARY BE DELAYED UNTIL LATE THAT AFTERNOON TO PERMIT THEM TIME TO PREPARE FURTHER DETAILS OF THEIR OFFER OF THE PREVIOUS DAY (THE TRIPARTITE PRESIDENCY PROPOSAL) AND TO RESPOND TO THE GOVERNMENT'S IDEAS. HOWEVER, WHEN THE PLENARY RECONVENED AFTER 5 P.M., THE RPFIRCULATED ONLY A BRIEF RECAPITULATION OF ITS VERBAL SUBMISSION OF THE 14TH, INSPIRING SOME WONDER AMONG THE OBSERVERS AS TO WHAT THEY HAD BEEN DOING ALL DAY. DURING THE DISCUSSION, THE RPF DELEGATION PLAINLY INDICATED STRONG SKEPTICISM REGARDING THE GOVERNMENT'S OFFER. THEY FELT THAT IT DID NOT PROVIDE ANY EFFECTIVE CHECK TO THE PRESIDENT'S REAL POWERS. THE GOR SIDE, IN ITS TURN, DID NOT QUITE RIDICULE THE TRI-PARTITE PRESIDENCY IDEA BUT MADE CLEAR THAT IT WOULD NOT FLY. IN RESPONSE TO THIS, THE RPF OFFERED A SECOND PROPOSAL FOR THE PRESIDENCY, THIS ONE BEING A PRESIDENTIAL COUNCIL WITH SEVERAL MEMBERS. THE CHAIRMAN ASKED THE RPF PROVIDE DETAILS OF THEIR IDEA; THE RPF DELEGATES WITHDREW TO DRAW UP THEIR PROPOSAL. WHEN THEY RETURNED, BIZIMUNGU OFFERED WHAT WAS PLAINLY A RECASTED VERSION OF THE COUNCIL OF NATIONAL RECONCILIATION, THIS TIME CALLED A NATIONAL

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PRESIDENTIAL COUNCIL (NPC). IT WOULD HAVE SEVEN MEMBERS, THREE RPF, THREE FROM OPPOSITION PARTIES, AND PRESIDENT HABYARIMANA. THE COUNCIL WOULD ELECT ITS OWN CHAIRMAN (NOT NECESSARILY HABYARIMANA) AND EXERCISE ALL PRESIDENTIAL POWERS COLLEGIALLY. THE PNC WOULD, IN EFFECT, REPLACE THE CURRENT PRESIDENT.

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4. THE GOR REACTED TO THIS PROPOSAL WITH LITTLE ENTHUSIASM. DIRIA, IN AN UNHELPFUL INTERVENTION, ACCUSED THE RPF OF WASTING TIME AND STALLING THE NEGOTIATIONS. BIZIMUNGU REPLIED WITH SOME HEAT THAT THE RPF HAD SUBMITTED PROPOSALS THE FIRST DAY, HAD THEN WAITED TWO DAYS FOR THE GOVERNMENT TO RESPOND, AND NOW NO ONE WAS TAKING ITS PROPOSALS SERIOUSLY AND THE CHAIR WAS BEING UNFAIR. AT THIS, DIRIA LOST COUNTENANCE, ANGRILY PROTESTED THAT HE WAS ONLY TRYING TO HELP THE PARTIES FIND PEACE, AND ABRUPTLY ADJOURNED THE SESSION.

OBSERVER INTERVENTIONS

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5. AFTER THE PLENARY, US REP RAWSON COMPARED NOTES  
WITH BURUNDI DELEGATE AMB. NIYUNGEKO, WHO THEN WENT TO  
CALL ON THE RPF DELEGATION AT THEIR HOTEL. HE STAYED  
WITH THEM UNTIL 2 A.M., TRYING TO CONVINCE THEM TO BE  
MORE OPEN TO THE GOR'S PROPOSALS, BUT CAME AWAY  
DISCOURAGED. HOWEVER, WHEN EMBASSY DAR POLOFF BENTLEY  
MET WITH RPF DELEGATES AT BREAKFAST ON SEPTEMBER 16,  
HE FOUND THEM READY TO CONTINUE THE TALKS AND  
APPEARING MORE RECEPTIVE TO THE GOR'S OFFER (BUT STILL

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CLEAVING TO THEIR IDEA FOR A PRESIDENTIAL COUNCIL). US REP RAWSON HUDDLED SEPARATELY WITH THE FRENCH AND UGANDAN OBSERVERS, AND MET WITH DIRIA AND OTHER OBSERVERS AT 9 A.M. IN THAT MEETING, SENEGAL'S AMBASSADOR FALL SUGGESTED DRAWING UP A LIST OF THE POINTS OF AGREEMENT BETWEEN THE TWO SIDES AS A STATEMENT FROM THE CHAIR. FRANCES AMBASSADOR GENDREAU RECOMMENDED IN ADDITION THAT THE OBSERVERS SHOULD TRY TO GET THE TWO SIDES TO HOLD WORKING LEVEL MEETINGS DURING THE BREAK BETWEEN NEGOTIATING ROUNDS.

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THE OBSERVERS ALSO AGREED THAT THE NEGOTIATORS SHOULD MEET TO DISCUSS POWER-SHARING ISSUES FURTHER ON THE MARGINS OF THE SEPTEMBER 26 JPMC MEETING IN ADDIS. UGANDAN HIGH COMMISSIONER MATOGO NOTED THAT THE CONSENSUS AMONG THE OBSERVERS APPEARED TO BE THAT THE GOR PROPOSAL WAS A "VERY REASONABLE" BASIS FOR DISCUSSION, AND SUGGESTED THAT THIS BE CONVEYED TO THE RPF IN EITHER SOME FORMAL MANNER OR IN INFORMAL BILATERALS. IT WAS ALSO AGREED THAT DIRIA, IN HIS CAPACITY AS CHAIRMAN, WOULD ARRANGE TECHNICAL MEETINGS ON MILITARY ISSUES BEFORE THE NEXT NEGOTIATING ROUND.

SEPTEMBER 16 PLENARY

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6. AT THE PLENARY, THE CHAIR OPENED WITH A STATEMENT OF WHERE THE NEGOTIATIONS STOOD AT THIS POINT, EXHORTED THE RPF TO CAREFULLY CONSIDER THE GOR PROPOSALS, AND URGED BOTH SIDES TO USE LANGUAGE SUITABLE FOR INTERNATIONAL NEGOTIATIONS. THE RPF'S BIZIMUNGU THEN SPOKE, OFFERING A LIST OF WHERE THE RPF THOUGHT THE TWO SIDES AGREED:

--PRESIDENT HABYARIMANA IS TO REMAIN AS CHIEF OF STATE;

--THE BASIC STRUCTURES OF GOVERNMENT ARE TO BE MAINTAINED;

--THERE WILL BE A GOVERNMENT HEADED BY A PRIME MINISTER UNDER THE PRESIDENCY (WHO WOULD BE THE PM WAS YET TO BE DETERMINED);

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--THE TRANSITIONAL REGIME WOULD BE ORGANIZED ALONG THE PRINCIPLE OF THE SEPARATION OF POWERS;

--THE JUDICIARY WOULD BE REFORMED AND CLEANED UP;

--DITTO FOR THE CIVIL ADMINISTRATION;

--THE TERMS OF THE PEACE AGREEMENT WOULD HAVE PRIMACY OVER THE EXISTING CONSTITUTION AND LAWS;

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--THERE WOULD BE A TRANSITIONAL NATIONAL ASSEMBLY;

--BOTH SIDES WANTED TO DEVOLVE PRESIDENTIAL POWERS  
INTO SOME KIND OF COUNCIL; THE GOR BY MAKING  
HABYARIMANA SUBJECT TO THE CONSENSUS OF THE CABINET,  
AND THE RPF BY ITS PRESIDENTIAL NATIONAL COUNCIL.

HE CONCLUDED THAT THERE WERE MANY AREAS OF AGREEMENT,  
AND THAT THE TWO SIDES "HAD NOT YET HAD A SERIOUS  
CONFRONTATION." (COMMENT: AT THIS, THE OBSERVERS HAD  
TROUBLE KEEPING IN COUNTENANCE. THOUGH IN A WAY IT'S  
TRUE -- THE MOST VIOLENT ARGUMENT THE RPF HAS HAD SO  
FAR HAS BEEN WITH DIRIA.)

7. NGULINZIRA THEN REITERATED THE POINTS OF  
AGREEMENT, NOTING THE CONCERN SHARED BY BOTH SIDES  
THAT DURING THE TRANSITION THE PRESIDENT NOT BE ABLE  
TO ACT ALONE. HE THEN DETAILED AREAS OF DISAGREEMENT,  
AND PROVIDED SOME ADDITIONAL EXPLICATION OF THE GOR'S  
IDEAS ABOUT PRESIDENTIAL POWERS, CONCLUDING THAT THE  
RPF APPEARED TO WANT TO SHARE NOT THE POWER BUT THE

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FUNCTION OF THE PRESIDENCY. THE PLINARY THEN  
ADJOURNED UNTIL THE EVENING, AND THE TANZANIANS  
ACTUALLY HAD COFFEE AND CAKE READY -- A FIRST IN THIS  
TEN-DAY EVENT.

DIRIA'S LITTLE REQUEST

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8. DURING THE BREAK IN PLENARY ON THE 15TH, WHILE THE RPF WAS PREPARING THE DETAILS OF ITS PNC IDEA, FONMIN DIRIA PULLED US REPS ASIDE AND SAID THAT HE SUSPECTED THE RPF WAS STALLING DELIBERATELY. HE SUSPECTED THAT THEY MIGHT BE USING THE TALKS TO MASK PREPARATIONS FOR NEW HOSTILITIES. HE THOUGHT THAT THE UGANDAN DELEGATION WAS ENCOURAGING THE RPP TO BE STUBBORN, AND HE ASKED THAT THE U.S. AND THE OTHER EUROPEAN OBSERVERS LEAN ON MUSEVENI TO PRESS THE RPF TO BE MORE REASONABLE. HE ALSO ASKED US TO ASK BONN TO DO THE SAME; WE RELAYED THE FACT THAT DIRIA HAD MADE THIS REQUEST TO THE GERMAN OBSERVER, BUT ALSO TOLD HIM WE WEREN'T SURE DIRIA'S CONCERNs WERE VALID.

(COMMENT: US REPS DO NOT SHARE DIRIA'S PERCEPTION OF THE UGANDAN DELEGATION'S BEHAVIOR; WE THINK THAT THEY HAVE BEHAVED RESPONSIBLY AND TRIED TO BE HELPFUL. WE ARE ALSO AWARE OF OUR RELATIVE ISOLATION IN THE HOOTHOUSE ATMOSPHERE OF THESE TALKS; WE THEREFORE LEAVE IT TO OUR COLLEAGUES IN THE FIELD AND IN WASHINGTON TO JUDGE THE MERITS OF DIRIA'S NOTION THAT THE RPF IS STALLING FOR SOME ULTERIOR MOTIVE. OUR IMPRESSION IS THAT THEIR STUBBORNESS STEMS MORE FROM A HISTORY OF CONFIDENTIAL

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PERSECUTION AND REJECTION, WHICH HAS CREATED A HABIT OF MISTRUST AMOUNTING ALMOST TO PARANOIA IN SOME OF THE RPF NEGOTIATORS).

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